



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

**MINUTES
Wednesday, September 29, 2004**

2004-0676: Application for a Use Permit on an 8,070 square-foot site to allow a fence in the side yard that ranges from seven feet to nine feet and six inches in height. The property is located at **824 Lark Lane** in an R-0 (Low Density Residential) Zoning District. (316-04-041)

In attendance: Owner/Applicant; Helen and Ken Sherman, Neighbors; Gerri Caruso, Administrative Hearing Officer; Fred Bell, Project Planner on behalf of Diana O'Dell; and, Gloria Barron, Recording Secretary.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Fred Bell, Project Planner on behalf of Diana O'Dell, presented the staff report. He summarized the subject application and recommended approval of the Use Permit subject to the Conditions of Approval recommended by staff.

Ms. Caruso noted that she drove by the property to view the fence.

Ms. Caruso opened the public hearing.

Owner/Applicant, stated that he received and reviewed a copy of the report. He explained what the current situation was regarding the fence and stated that due to a significant amount of gap at the bottom of the fence there are concerns with debris blowing over to the neighboring property. The Owner/Applicant stated that he was in agreement with his neighbor to lower the board or add concrete in order to avoid the gap at the bottom. The Owner/Applicant made reference to recommended 6-foot fence with a 1 foot lattice to the side fence in front of the house and stated that a 6 foot fence would not provide the privacy that he would like for his family. The Owner/Applicant then stated that he did not object to the total height of the fence being 7 feet but would prefer to keep the fence solid at 7 feet without the 1-foot lattice. Ms. Caruso asked the Owner/Applicant if the fence was currently constructed at 7 feet. The Owner/Applicant stated that it was difficult to determine the height because the property is not leveled. He also noted that because of the difference in elevation the fence appears to be taller. The Owner/Applicant stated that he did not know which property had the highest grade because he did not get a clear response from the Building Division and Planning Division on where to take the measurements. Ms. Caruso asked the Owner/Applicant if he would have no objection with a solid 7-foot fence measured from the lowest side. The Owner/Applicant stated that he would not have a problem with that in regards to the side yard fence.

Helen Sherman, Neighbor, expressed her concerns and stated that due to the difference in property heights the board on the bottom of the fence allows for about 8 inches of dirt to wash onto her walkway when it rains and it creates a river of mud on her property. Ms. Sherman then stated that she would prefer the fence not to be taller than seven feet because it would cut off circulation of air and cut off the light. Ms. Sherman stated that she would not object to a solid 7-foot fence.

Ken Sherman, Neighbor, referred to the board at the bottom and stated that he would like to have the boards removed and add concrete under the fence. Mr. Sherman then stated that if any part of the fence were to include lattice he would like to have it on his side also to make it even.

The Owner/Applicant stated that he would be willing to work with his neighbor regarding the addition of concrete at the bottom of the fence. He then referred to the rear portion of the fence and stated that it would exceed seven feet. Ms. Caruso stated that it could not exceed 7 feet from the neighbor's property. Ms. Caruso asked the Owner/Applicant if the rear fence exceeded 8 feet without the lattice. The Owner/Applicant responded that it may.

Ms. Caruso closed the public hearing.

Ms. Caruso stated that she was looking for a way to minimize the height of the fence to something that is considered more in character with a single family residential neighborhood and therefore took the item under advisement until Monday, October 4, 2004 to allow time for a site visit. Ms. Caruso then stated that she would require a final plan of the fence to be submitted with the final approved heights for the project file.

The meeting was adjourned at 2:33 p.m.

ADDENDUM

On October 4, 2004 Ms. Caruso approved the Use Permit with the Findings provided by staff and with the Conditions of Approval recommended by staff with a modification to condition #2 to state that: a) the fence on the south side yard can be a maximum of 7 feet measured from the highest adjoining grade b) the fence on the west rear yard can be a maximum of 7 feet 6 inches measured from the highest adjoining grade c) the fence can be solid or a mixture of solid board and lattice. All other Conditions of Approval are still in place.

This decision is final unless appealed during the 15-day appeal period.

Minutes approved by: